

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|    |                           |   |                                  |
|----|---------------------------|---|----------------------------------|
| 11 | UNITED STATES OF AMERICA, | ) | No. CR-09-00641 SBA              |
| 12 | Plaintiff,                | ) |                                  |
| 13 | v.                        | ) | ORDER GRANTING STIPULATED        |
| 14 | GARY ANTHONY MUSCADINE,   | ) | REQUEST TO CONTINUE HEARING      |
| 15 | Defendant.                | ) | DATE TO NOVEMBER 17, 2009 AND TO |
| 16 |                           | ) | EXCLUDE TIME UNDER THE SPEEDY    |
| 17 |                           | ) | TRIAL ACT                        |
|    |                           | ) | Date: October 27, 2009           |
|    |                           | ) | Time: 9:00 a.m.                  |
|    |                           | ) | Court: Hon. Saundra Brown        |
|    |                           | ) | Armstrong                        |

The parties jointly requested that the hearing in this matter be continued from October 27, 2009 to November 17, 2009, and that time be excluded under the Speedy Trial Act between October 27, 2009 and November 17, 2009 to allow for the effective preparation of counsel, taking into account the exercise of due diligence.

Defendant was arraigned in the above-captioned matter on July 10, 2009. The government produced discovery to defense counsel on July 9, 2009 and July 14, 2009; and, defense counsel reviewed the physical evidence in the government's possession on October 13, 2009. Defendant needs additional time to review the information that was produced and to investigate this matter. The parties agree the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. For these stated

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1 reasons, the Court finds that the ends of justice served by granting the continuance outweigh the  
2 best interests of the public and defendant in a speedy trial. Good cause appearing therefor, and  
3 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

4 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from  
5 October 27, 2009 to November 17, 2009 at 9:00 a.m., and that time between October 27, 2009  
6 and November 17, 2009 is excluded under the Speedy Trial Act to allow for the effective  
7 preparation of counsel, taking into account the exercise of due diligence, and continuity of  
8 defense counsel.

9  
10 DATED: 10/26/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge